



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/788,295	02/16/2001	Stephan W. Gehring	FANT-P019	1506
. 7590 08/02/2004			EXAMINER	
Peter R. Martinez			SON, LINH L D	
Luce, Forward, Hamilton & Scripps LLP				
11988 El Camino Real			ART UNIT	PAPER NUMBER
Suite 200			2135	\mathcal{R}
San Diego, CA 92130			DATE MAILED: 08/02/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/788,295	GEHRING, STEPHAN W.				
Office Action Summary	Examiner	Art Unit				
	Linh Son	2135				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. (1) (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 16 Fe	ebruary 2001.					
,— · · · · · · · · · · · · · · · · · · ·	action is non-final.					
,—	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) 1-23 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/o	vn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example.	epted or b) objected to by the drawing(s) be held in abeyance. Se ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document: 2. Certified copies of the priority document: 3. Copies of the certified copies of the priority application from the International Bureau. * See the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6.	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:					

Application/Control Number: 09/788,295 Page 2

Art Unit: 2135

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed paper # 6 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The following references are not found: Other Documents number 63 and 66. Please resubmit to be consider.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- Claims 1-2, 4-6, 8-9, 11-12, 14-16, and 18-23 are rejected under 35
 U.S.C. 102(b) as being anticipated by Ross, Jr. (US/5812671).
- 4. As per claim 5-6 and 8, Ross, Jr. discloses the "Cryptographic Communication System" invention, which includes a method for forwarding messages in a multi-node network comprising decrypting/encrypting using asymmetric algorithm (Col 1 lines 38),

by a forwarding node, each message received by said forwarding node prior to determining a destination for said received message (Col 3 lines 8-23).

- 5. As per claims 1-2, 4, 9, and 18, Ross, Jr. discloses the "Cryptographic Communication System" invention, which includes a method for encrypting and decrypting messages in a multi-node network, comprising: (a) encrypting a message by a source node and transmitting said encrypted message to a forwarding node; (b) receiving and unconditionally decrypting said encrypted message by said forwarding node; (c) unconditionally re-encrypting said decrypted message by said forwarding node and transmitting said re-encrypted message to a destination node; and (d) receiving and decrypting said re-encrypted message by said destination node.
- 6. As per claims 11 and 12, Ross, Jr. disclose the method of claim 10, wherein: (a) said encrypting said message by said source node is carried out using a first key (Col 2 lines 54-65); (b) said decrypting said re-encrypted message by said destination node is carried out using said first key (Col 3 lines 8-23); (c) said unconditional decrypting of said transmitted message by said forwarding node is carried out using a second key (Col 3 lines 8-23); and (d) said unconditional re-encrypting of said decrypted message by said forwarding node is carried out using said second key (Col 3 lines 8-23).
- 7. As per claims 14-16, Ross, Jr. discloses the method of claim 9, wherein said encrypting said message by said source node (Col 2 lines 54-65), said unconditional decrypting of said transmitted message by said forwarding node (Col 3 lines 3-23), said

Application/Control Number: 09/788,295

Art Unit: 2135

unconditional re-encrypting of said decrypted message by said forwarding node, and said decrypting of said re-encrypted message by said destination node (Col 3 lines 3-23), are carried out using asymmetric encryption and decryption (Col 1 lines 38).

- 8. As per claims 19, Ross, Jr. discloses an encryption and decryption system for a multiple node network, comprising at least one forwarding node, said forwarding node including means for unconditionally decrypting all received messages, and means for unconditionally encrypting all transmitted messages (Col 2 line 33 to Col 3 line 44).
- 9. As per claims 20, Ross, Jr. discloses the encryption and decryption system of claim 19, further comprising at least one source node, said source node including means for encrypting messages and transmitting said encrypted messages to said forwarding node (Col 2 line 33 to Col 3 line 44).
- 10. As per claims 21, Ross, Jr. discloses the encryption and decryption system of claim 20, further comprising at least one destination node, said destination node including means for decrypting messages transmitted by said forwarding node (Col 2 line 33 to Col 3 line 44).
- 11. As per claims 22, Ross, Jr. discloses the encryption and decryption system of claim 21, wherein said means for encrypting messages by said source node, said means for decrypting messages in said destination node, said means for unconditionally

Page 4

Application/Control Number: 09/788,295

Art Unit: 2135

decrypting messages by said forwarding node, and said means for unconditionally encrypting messages by said forwarding node comprises symmetrical encryption and decryption (Col 2 line 33 to Col 3 line 44).

Page 5

12. As per claims 23, Ross, Jr. discloses the encryption and decryption system of claim 21, wherein said means for encrypting messages by said source node, said means for decrypting messages in said destination node, said means for unconditionally decrypting messages by said forwarding node, and said means for unconditionally encrypting messages by said forwarding node comprises asymmetrical encryption and decryption (Col 2 line 33 to Col 3 line 44).

Claim Rejections - 35 USC § 103

- 13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 14. Claims 3, 7, 10, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross, Jr.
- 15. As per claims 3, 7, 10, 13, and 17, Ross, Jr. discloses the method of claims 2, 6, 9, 11, and 15, wherein said encrypting said message by said source node, said unconditional decrypting of said transmitted message by said forwarding node, said

Application/Control Number: 09/788,295

Art Unit: 2135

Page 6

unconditional re-encrypting of said decrypted message by said forwarding node, and said decrypting of said re-encrypted message by said destination node (Col 2 line 33 to Col 3 line 44), are carried out using asymmetrical encryption and decryption. However, Ross, Jr. does not specifically teach the use of symmetrical encryption/decryption algorithm. Nevertheless, Ross, Jr. does mention the implementation of the same encryption/decryption key for both parties in the invention to securely transmit messages in a communication network (Col 1 lines 20-35). Therefore, it is obvious at the time of the invention was made for one of ordinary skill in the art to implement the symmetrical algorithm to securely sending message in the communication network.

Conclusion

- 16. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (703)-305-8914.
- 17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (703)-305-4393. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-9600.

Linh LD Son

Patent Examiner

AU 2135